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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-114

13 **MARGARET ARRIGO, a.k.a.**
14 **MARGARET MARY METRICK, a.k.a.**
MARGARET MARY RICKS
711 S. Jackson Avenue
15 Wylie, Texas 75098

A C C U S A T I O N

16 Registered Nurse License No. 317695

17 Respondent.

18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about August 31, 1980, the Board issued Registered Nurse License
24 No. 317695, to Margaret Arrigo, also known as Margaret Mary Metrick, also known as Margaret
25 Mary Ricks ("Respondent"). The license will expire on April 30, 2010, unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811(b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 STATUTORY PROVISIONS

9 5. Code section 2761 states, in pertinent part:

10 The board may take disciplinary action against a certified or licensed
11 nurse or deny an application for a certificate or license for any of the
12 following:

13 (a) Unprofessional conduct, . . .

14 (f) Conviction of a felony or of any offense substantially related to
15 the qualifications, functions, and duties of a registered nurse, in which
16 event the record of the conviction shall be conclusive evidence thereof.

17 6. Code section 2762 states:

18 In addition to other acts constituting unprofessional conduct
19 within the meaning of this chapter [the Nursing Practice Act], it
20 is unprofessional conduct for a person licensed under this
21 chapter to do any of the following:

22 (b) Use any controlled substance as defined in Division 10
23 (commencing with Section 11000) of the Health and Safety
24 Code, or any dangerous drug or dangerous device as defined in
25 Section 4022, or alcoholic beverages, to an extent or in a
26 manner dangerous or injurious to himself or herself, any other
27 person, or the public or to the extent that such use impairs his or
28 her ability to conduct with safety to the public the practice
authorized by his or her license.

(c) Be convicted of a criminal offense involving the
prescription, consumption, or self-administration of any of the
substances described in subdivisions (a) and (b) of this section,
or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which
event the record of the conviction is conclusive evidence
thereof.

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 8. Respondent is subject to discipline under Code section 2761(f), in that she
9 was convicted of the following crimes which are substantially related to the qualifications,
10 functions or duties of a licensed registered nurse:

11 a. On or about May 15, 2007, in the case of *United States District Court v.*
12 *Margaret Arrigo*, (Eastern District of California, Case No. 6:07-MJ-00037-WMW-1),
13 Respondent was convicted by the Court on her plea of guilty of violating 36 CFR 2.23(a)(2)
14 (driving under the influence with a blood alcohol content of .08 or higher). Among other things,
15 Respondent was originally sentenced to unsupervised probation for 36 months, to serve two days
16 in jail and credit for time served, attend an AA program for 24 months, and order to pay fines.

17 b. On or about December 19, 2006, in the case of *United States District*
18 *Court v. Margaret Arrigo*, (Eastern District of California, Case No. 6:06-mj-00173-WMW-1),
19 Respondent was convicted by the Court on her plea of guilty of violating 36 CFR 2.23(a)(2)
20 (driving under the influence with a blood alcohol content of .08 or higher). Among other things,
21 Respondent was originally sentenced to one day in jail with credit for one day served, and six
22 months probation, restricted travel, and ordered to pay fines.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 9. Respondent is subject to discipline under Code section 2761(a), on the
26 grounds of unprofessional conduct, as defined in Code section 2762(b), in that on or about
27 August 30, 2006, and March 14, 2007, Respondent used alcoholic beverages to an extent or in a

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1 manner dangerous or injurious to herself, and the public, when she operated a vehicle while
2 under the influence of alcohol, as more particularly set forth above in paragraph 8.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Convictions Involving the Consumption of Alcohol)**

5 10. Respondent is subject to discipline under Code section 2761(a), on the
6 grounds of unprofessional conduct, as defined in Code section 2762(c), in that on or about
7 December 19, 2006, and May 15, 2007, Respondent was convicted of crimes involving the
8 consumption of alcohol, as more particularly set forth above in paragraph 8.

9 **PRAYER**


10 **WHEREFORE**, Complainant requests that a hearing be held on the matters
11 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License No. 317695, issued to
13 Margaret Arrigo, also known as Margaret Mary Metrick, also known as Margaret Mary Ricks;

14 2. Ordering Margaret Arrigo, also known as Margaret Mary Metrick, also
15 known as Margaret Mary Ricks to pay the Board of Registered Nursing the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code
17 section 125.3; and,

18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 11/24/08

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22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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